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April 27, 2023

***Via ECF***

Hon. Analisa Torres, United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: USA v. Stevfon Eley 20-cr-78 (AT)**

Dear Judge Torres:

I represent Mr. Eley in the above matter. Sentencing is currently set for May 9, 2023 at 11:00 AM. I am respectfully requesting an adjournment of sentencing for the following reasons. First, I am asking for additional time in which to fully research the issue of how *United States v. Taylor*, 142, S. Ct. 2015 (2022) and related cases may impact Mr. Eley's guilty plea in this case. The Second Circuit is currently considering a petition for rehearing in the matter of *United States v. Delligatti (Pastore)*; in that case, the Circuit concluded that attempted murder in aid of racketeering was a crime of violence under the force clause of 18 USC § 924 (c)(3)(A). Subsequent to that decision, the Supreme Court decided *United States v. Taylor, supra*, which held to the contrary. Now, there is a pending petition for rehearing in *Pastore*; the Circuit has already ordered and received a response from the Government on that issue. Because *Pastore* concerns a similar issue as here (Mr. Eley pleaded guilty to using a firearm in connection with a crime of violence, namely; attempted murder and assault with a deadly weapon), I would like to further research the issue and how it may affect Mr. Eley's guilty plea. If convenient for the Court, I would suggest a date in mid-June by which I will have completed my research.

In addition, if the Court is not inclined to grant the above adjournment, I would nonetheless request a brief adjournment in order to obtain letters in support for Mr. Eley from friends and family to aid this Court in sentencing. Accordingly, I am requesting a short adjournment to mid-June. This will give me sufficient time to

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obtain the necessary letters from Mr. Eley's family and friends. The Government has no objection to either ground of my request for an adjournment.

Thank you for your consideration in this matter.

Very truly yours,

David K. Bertan

DKB

cc: AUSA Andrew Chan (Via ECF)

GRANTED. The sentencing scheduled for May 9, 2023, is ADJOURNED to **June 20, 2023**, at **4:00 p.m.**

SO ORDERED.

Dated: May 2, 2023

New York, New York



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ANALISA TORRES  
United States District Judge